

Subcommittee on Federal Lands

Tom McClintock, Chairman

Hearing Memorandum

December 5, 2017

To: All Subcommittee on Federal Lands Members

From: Majority Committee Staff—Chris Marklund
Subcommittee on Federal Lands (x6-7736)

Hearing: Legislative hearing on **H.R. 3371 (Rep. Doug LaMalfa)**, To provide for the conveyance of an obsolete Over-the-Horizon Backscatter Radar System receiving station in Modoc County, California, to promote economic development of the site.
December 7, 2017, 2:00PM; 1324 Longworth House Office Building

H.R. 3371, “*Modoc County Land Transfer and Economic Development Act of 2017*”

Bill Summary

The Modoc County Land Transfer and Economic Development Act of 2017 would transfer approximately 927 acres of land and related improvements in California’s Modoc National Forest to Modoc County, California. The land and improvements in question are the former site of a U.S. Air Force Over-the-Horizon Backscatter Radar System site.

Cosponsors

Rep. Tom McClintock (R-CA-4)

Witnesses

Panel I

The Honorable Doug LaMalfa
Member of Congress, California’s 1st District

Panel II

Mr. Glenn Casamassa
Associate Deputy Chief
USDA Forest Service
Washington, DC

The Honorable Elizabeth Cavasso
Supervisor, District 4
County of Modoc
Alturas, CA

Background

The Over the Horizon Backscatter (OTHB) radar system was developed by the U.S. Air Force (USAF) in the 1970s to provide long-range radar surveillance of aircraft approaching the United States. Construction of an OTHB system began in 1986 and accepted by the USAF in December 1990. One OTHB site constructed near Tule Lake California is located on leased U.S. Forest Service (USFS) land in the Modoc National Forest, Doublehead Ranger District. The terms of the USFS lease agreement call for the USAF to restore the land to its original condition upon termination of the lease.

The facility consists of three antennae arrangements on approximately 2,800 acres. Each antenna array is approximately 8,000 feet long, comprised of a 134 steel towers that are approximately 65 feet high and situated about 60 feet apart.¹ Approximately 19,280 feet of eight-foot-high wooden security fence encloses the entire site and some facilities on the property.² In July 2005, the USAF issued a Final Environmental Assessment (EA) for the removal of equipment at the Tulelake, California radar site and an associated facility located in Oregon.

Since 2013, Modoc County, California has been working with the USAF and US FS on a land conveyance to transfer approximately 927 acres of the former OTHB facility for the development of renewable energy facilities utilizing existing site infrastructure.³ In 2014, Modoc County obtained a feasibility use permit from the USFS to determine the potential for renewable energy development (any combination of solar, wind, biomass, and geothermal) on the site.

Modoc County views the existing USAF infrastructure on the site as essential to the success of any future redevelopment projects and has expressed frustration that conversations regarding a possible administrative transfer of the land to the county seem to be stalled until the USAF has completed restoration of the site⁴ – at which point the facility’s infrastructure will have been demolished.

On November 30, 2017, President Donald J. Trump signed into law H.R. 2810, the National Defense Authorization Act for Fiscal Year 2018 (NDAA). Section 2874 of the NDAA included language prohibiting the use of funds to carry out the rehabilitation of the OTHB site, except for the removal of the perimeter fence and mitigation of soil contamination associated with the fence. The provisions sunsets upon enactment of the National Defense Authorization Act for Fiscal Year 2019.

The Modoc County Land Transfer and Economic Development Act of 2017 would instruct the Secretary of Agriculture to convey approximately 927 acres of the former OTHB site

¹ United States, Congress, Air Combat Command. “Final Environmental Assessment for Equipment Removal at Over-the-Horizon Backscatter Radar - West Coast Facilities.” Final Environmental Assessment for Equipment Removal at Over-the-Horizon Backscatter Radar - West Coast Facilities, 2005.

² Ibid.

³ Based on information provided to the House Committee on Natural Resources by Modoc County, California.

⁴ Ibid.

within the Modoc National Forest and associated improvements to Modoc County for the purposes of economic development. The conveyance would be conducted without consideration; however, Modoc County would be required to reimburse the Secretary of Agriculture for conveyance costs such as surveying, environmental documentation (but not remediation) and other administrative expenses. The legislation also limits the remediation responsibilities of the USAF to the removal of the wooden perimeter fence and treatment of any associated soil contamination.

H.R. 3371 is supported by the Modoc County Board of Supervisors.⁵

Major Provisions/Section-by-Section Analysis of H.R. 3371

Section 1: Short Title

Section 2: Requires the conveyance of approximate 927 acres of land in the Modoc National Forest and associated improvements to Modoc County California. States the purpose of the conveyance is to preserve and utilize the improvements constructed on the parcel for economic development purposes by the county. Requires Modoc county to cover the costs of conveyance (except environmental remediation costs) of the parcel. Limits USAF responsibility for environmental remediation to the removal of the perimeter wooden fence and treatment of any associated soil contamination.

Cost

A CBO cost analysis has not yet been completed for this bill.

Administration Position

The Administration's position on the legislation is unknown at this time.

Effect on Current Law (Ramseyer)

N/A

⁵ Ibid.